

Mark and Judy Boroski
4884 West River Road
Wakeman, OH 44889
Phone and Fax: 440-839-2249

ORIGINAL

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2005 OCT 14 A 10: 14



October 4, 2005

AZ CORP COMMISSION
DOCUMENT CONTROL

Docket Control

Commissioner Marc Spitzer

Commissioner William A. Mundell

Commissioner Kristine Mayes

Commissioner Mike Gleason

Chairman Jeff Hatch-Miller

Assistant Chief Administrative Law Judge Nodes

Assistant Director Steven Olea

Utilities Engineer Marlin Scott, Jr.

of the Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

RE: Docket NO. W-03514A-0352 Payson Water Co. at Geronimo Estates

Dear Commissioners and Staff:

By reference from several property owners, we have asked Joe Brown to introduce this letter into the proceedings of the above referenced Docket related to water issues in the Elusive Acres and Geronimo Estate area north of Payson, Arizona. Unfortunately, we are unable to appear in person at your scheduled hearing on October 18-19.

As the developers of the subdivision and former owners of the water infrastructure at Elusive Acres (next to Geronimo Estates), we continue to have an interest in the water situation in that area. We continue to hold title to the land on which the well and the storage tank are located, and we continue to have water line easements in our name for the 30 lot Elusive Acres Subdivision.

It is common knowledge in Arizona that water is a critical issue. Therefore, in planning phases and obtaining approvals from all local and state authorities we were extremely animate to provide a sound private water system to serve the potential homeowners in our 30 lot subdivision.

At the time of the original development, we sought to hook on to the Geronimo Estates water system, but we were told by Rich Williamson that a moratorium existed on new water connections. He informed us that we would need to build our own system if we wanted water. Thus, we did just that by developing an economical well, 15 thousand gallon storage and pressure system and a distribution system.

Because of absence of a not yet formed home owners association and very aggressive behavior on the part of United Utilities (predecessor to Brooke Utilities), we lost the \$150,000 water system, with no financial rewards, when eminent domain proceedings were instituted

and the ACC ordered the system (not land) given to United Utilities (Williamson Water Works) with no compensation paid. Because of (1) this dispute, (2) the fact we invested most of our resources in the water system, and (3) the fact we needed to move to Ohio because of family concerns, we left the area and did not have the financial resources to fight this unjust acquisition of our water system.

However, we still have a legal interest in this situation. Over the last 16 years, we have continued to pay the property taxes assessed by Gila County on both the well site and the tank site (see attached bills), and we have received, but not paid, the homeowner association bills issued by the Geronimo Estates HOA (apparently voluntary dues for something we are not part of). Until some time after we moved to Ohio, we did not realize that the United Utilities people without notifying us, the ACC, or for that matter any party that may have suggested proper legal protocol, unjustifiably had tied our good well (again approved exclusively for our 30 lot project), into the Geronimo system that lacked any significant water resources to serve the 220+ lots in that development. May it also be duly noted that this inappropriate tap and extension traverses private property in Elusive Acres with no legal easement awarded to do so.

In light of the situation, to fairly treat our property buyers and friends in Elusive Acres and our good neighbors in Geronimo Estates, we respectfully request that the Commission (1) allow all lots owners in Elusive Acres immediate water connections per the approved terms we had with the State Real Estate Department, (2) require Payson Water Co. to pay us a minimal, but fair sum for our properties, either in the form of monthly rents or outright purchase of the land, or for the value of the water being removed from our property, (3) require Payson Water Co. to develop adequate new resources to get rid of the 24 year old moratorium in effect in Geronimo Estates, that has also been improperly applied to Elusive Acres, and (4) require Payson Water Co. or your Document Control Center to send us (a) any documentation that reflects the authorization that seemingly brought elusive Acres into the exclusive service area of United Utilities, and (b) that allowed the two water systems to be combined.

Our hearts are still in Elusive Acres, and we wish to see the water from our well used to properly serve the parcels we ultimately sold at distress values because of our loss of control over the water. Again, we believe the ACC should require Brooke Utilities to develop other water to cover the water short fall required to supplement any excess water from Elusive Acres that we agree should continue to be used to meet the needs of Geronimo Estates.

Please let us know what we can do to correct this situation, especially for the benefit of those who we were forced to walk away from over 10 years ago. We look forward to receiving any supposed documentation that reflects the authorizations that seemingly brought Elusive Acres into the exclusive service area of United Utilities, and that also allowed the two water systems to be combined.

Thank you. Please call or write us related to any questions you may have.


Mark Boroski


Judy Boroski

2005 TAX NOTICE

JAN. 1, 2005
TO
DEC. 31, 2005

COUNTY OF GILA

ARIZONA

ADDRESS: POST OFFICE BOX 109
GLOBE AZ 85502AL DESCRIPTION: SECTION
USIVE ACRES TRACT A

TWN

RNG

ACRES

USE 8800

TAX ROLL NUMBER

19326

PARCEL IDENTIFICATION

302-13-051 4

TAX AREA CODE

1004

IMPORTANT - SEE REVERSE SIDE
FOR COMPLETE EXPLANATION OF
YOUR 2005 TAX NOTICE AND
PAYMENT INSTRUCTIONS.

302-13-051 4 19326

BOROSKI MARK & JUDITH
4884 W RIVER RD
WAKEMAN TOWNSHP OH 44889

01-1302

*AS OF JULY 31, 2005 OUR RECORDS INDICATE THAT THE
DELINQUENT TAXES DUE ON THIS PROPERTY HAVE NOT BEEN PAID*

PRIMARY PROPERTY TAX CALCULATION (1)						
M	LIMITED VALUE	ASSMT. %	ASSESSED VALUE	EXEMPTION	TAX RATE	AD VALOREM TAX
VD, BLDGS, ETC.	500	160	80	0	9.6007	7.68
PERSONAL PROPERTY	0	0	0	0	0	0.00
TOTALS	500		80	0		7.68
SECONDARY PROPERTY TAX CALCULATION (2)						
M	FULL CASH VALUE	ASSMT. %	ASSESSED VALUE	EXEMPTION	TAX RATE	AD VALOREM TAX
ND	500	160	80	0	4.0495	3.24
DGS, ETC.	0	0	0	0	0	0.00
PERSONAL PROPERTY	0	0	0	0	0	0.00
TOTALS	500		80	0		3.24

PAY TOTAL OR HALF TAX

TOTAL TAX DUE	10.92
HALF TAX	

DELINQUENT DATES

1st HALF NOV. 1, 2005

2nd HALF MAY 1, 2006

THIS IS THE ONLY NOTICE YOU WILL RECEIVE
NO RECEIPT WILL BE SENT UNLESS REQUESTED

2004-2005 TAX COMPARISON (4)		2005 PRIMARY		2005 SECONDARY		2005 TOTAL		2004 TOTAL		DIFFERENCE	
X CODE	TAX JURISDICTION										
000	GILA COUNTY		3.53		0.00	3.53		3.54			-0
002	SCHOOL EQUALIZATION		35		0.00	35		36			-0
010	PAYSON SD #10		3.30		93	4.23		4.11			0.12
150	COMMUNITY COLLEGE		50		0.00	50		50			0
207	WHISPERING PINES FD		0.00		2.03	2.03		2.33			-0.30
900	FIRE DISTRICT ASSISTANCE FUND		0.00		0.08	0.08		0.08			0
900	GILA COUNTY LIBRARY DISTRICT		0.00		16	16		16			0
001	NORTHERN ARIZONA VIT		0.00		0.04	0.04		0.04			0
TOTALS			7.68		3.24	10.92		11.12			-0.20

TEAR OFF ALONG DOTTED LINES

PLEASE RETURN THIS PORTION WITH PAYMENT TO: DELINQ. TAX DUE

PRIS KNUCKEY-RALLS
GILA CO. TREASURER
POST OFFICE BOX 1093
GLOBE AZ 85502

TAX ROLL NUMBER	19326
PARCEL IDENTIFICATION	302-13-051 4
TAX AREA CODE	1004

RECEIPT REQUESTED ()

BOROSKI MARK & JUDITH
4884 W RIVER RD
WAKEMAN TOWNSHP OH 44889TOTAL TAX DUE IS \$100.00 OR LESS FULL AMOUNT IS DUE NOW.
PAYMENT INSTRUCTIONS ON REVERSE SIDE OF NOTICE.
ADDRESS CORRECTION ON THE BACK OF THIS COUPON.

2005 2ND HALF COUPON

2ND HALF	PAY	*****
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2nd HALF TAXES DELINQUENT AFTER MAY 1, 2006



TEAR OFF ALONG DOTTED LINES

PLEASE RETURN THIS PORTION WITH PAYMENT TO: DELINQ. TAX DUE

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GLOBE AZ 85502

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PARCEL IDENTIFICATION	302-13-051 4
TAX AREA CODE	1004

RECEIPT REQUESTED ()

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WAKEMAN TOWNSHP OH 44889*IF TOTAL TAX DUE IS \$100.00 OR LESS FULL AMOUNT IS DUE NOW.
SEE PAYMENT INSTRUCTIONS ON REVERSE SIDE OF NOTICE.
ENTER ADDRESS CORRECTION ON THE BACK OF THIS COUPON.

2005 1ST HALF COUPON

TO PAY 1ST HALF ONLY	PAY	*****
TO PAY FULL YEAR TAX	PAY	10.92

NOTE: 1st HALF TAXES DELINQUENT AFTER NOV 1, 2005



2005 TAX NOTICE

JAN. 1, 2005
TO
DEC. 31, 2005

COUNTY OF GILA

ARIZONA

ADDRESS: POST OFFICE BOX 10
GLOBE AZ 85502AL DESCRIPTION SECTION
USIVE ACRES TRACT B

TWN RNG ACRES

USE 8800

TAX ROLL NUMBER

19327

PARCEL IDENTIFICATION

302-13-052

TAX AREA CODE

1004

IMPORTANT - SEE REVERSE SIDE
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YOUR 2005 TAX NOTICE AND
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302-13-052 7 19327

BOROSKI MARK & JUDITH
4884 W RIVER RD
WAKEMAN TOWNSHP OH 44889*AS OF JULY 31, 2005 OUR RECORDS INDICATE THAT THE
DELINQUENT TAXES DUE ON THIS PROPERTY HAVE NOT BEEN PAID**

PRIMARY PROPERTY TAX CALCULATION (1)						
M	LIMITED VALUE	ASSMT. %	ASSESSED VALUE	EXEMPTION	TAX RATE	AD VALOREM TAX
LD, BLDGS, ETC.	500	160	80	0	9.6007	7.68
PERSONAL PROPERTY	0	0	0	0	0	0.00
TOTALS	500		80	0		7.68

SECONDARY PROPERTY TAX CALCULATION (2)						
M	FULL CASH VALUE	ASSMT. %	ASSESSED VALUE	EXEMPTION	TAX RATE	AD VALOREM TAX
LD, BLDGS, ETC.	500	160	80	0	4.0495	3.24
PERSONAL PROPERTY	0	0	0	0	0	0.00
TOTALS	500		80	0		3.24

PAY TOTAL OR HALF TAX

TOTAL TAX DUE	10.92
HALF TAX	5.46

DELINQUENT DATES

1st HALF NOV. 1, 2005

2nd HALF MAY 1, 2006

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2004-2005 TAX COMPARISON (4)						
CODE	TAX JURISDICTION	2005 PRIMARY	2005 SECONDARY	2005 TOTAL	2004 TOTAL	DIFFERENCE
00	GILA COUNTY	353	00	353	354	-01
02	SCHOOL EQUALIZATION	35	00	35	36	-01
10	PAYSON SD #10	330	93	423	411	12
50	COMMUNITY COLLEGE	50	00	50	50	00
07	WHISPERING PINES FD	00	203	203	233	-30
00	FIRE DISTRICT ASSISTANCE FUND	00	08	08	08	00
00	GILA COUNTY LIBRARY DISTRICT	00	16	16	16	00
01	NORTHERN ARIZONA VIT	00	04	04	04	00
	TOTALS	768	324	1092	1112	-20

TEAR OFF ALONG DOTTED LINES

RETURN THIS PORTION WITH PAYMENT TO: DELINQ. TAX DUE

PRIS KNUCKEY-RALLS
GILA CO. TREASURER
POST OFFICE BOX 1093
GLOBE AZ 85502BOROSKI MARK & JUDITH
4884 W RIVER RD
WAKEMAN TOWNSHP OH 44889IF TAX DUE IS \$100.00 OR LESS FULL AMOUNT IS DUE NOW.
MENT INSTRUCTIONS ON REVERSE SIDE OF NOTICE.
ADDRESS CORRECTION ON THE BACK OF THIS COUPON.

2005 2ND HALF COUPON

2ND HALF	PAY	*****
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1st HALF TAXES DELINQUENT AFTER MAY 1, 2006



TEAR OFF ALONG DOTTED LINES

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4884 W RIVER RD
WAKEMAN TOWNSHP OH 44889*IF TOTAL TAX DUE IS \$100.00 OR LESS FULL AMOUNT IS DUE NOW.
SEE PAYMENT INSTRUCTIONS ON REVERSE SIDE OF NOTICE.
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2005 1ST HALF COUPON

TO PAY 1ST HALF ONLY	PAY	*****
TO PAY FULL YEAR TAX	PAY	10.92

NOTE: 1st HALF TAXES DELINQUENT AFTER NOV 1, 2005



105 TAX NOTICE

JAN. 1, 2005
TO
DEC. 31, 2005

COUNTY OF GILA

ARIZONA

ADDRESS: POST OFFICE BOX 109
GLOBE AZ 85502

SECTION
USIVE ACRES TRACT C

TWN RNG ACRES

USE 8800

TAX ROLL NUMBER	19328
PARCEL IDENTIFICATION	302-13-053 0
TAX AREA CODE	1004

IMPORTANT - SEE REVERSE SIDE
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302-13-053 0 19328
BOROSKI MARK & JUDITH
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2005 TAX SUMMARY (3)			
PRIMARY AD VALOREM TAX			7.6
LESS STATE AID TO EDUCATION			.0
NET PRIMARY AD VALOREM TAX			7.6
SECONDARY AD VALOREM TAX			3.2
SPECIAL DISTRICT TAX			.0

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	500	160	80	0	4.0495	3.24
PERSONAL PROPERTY	0	0	0	0	0	0.00
TOTALS	500		80	0		3.24

PAY TOTAL OR HALF TAX

TOTAL TAX DUE			10.9
HALF TAX			

DELINQUENT DATES

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002	SCHOOL EQUALIZATION	35	00	35	36	-0			
010	PAYSON SD #10	330	93	423	411	1			
150	COMMUNITY COLLEGE	50	00	50	50	0			
207	WHISPERING PINES FD	00	203	203	233	-3			
900	FIRE DISTRICT ASSISTANCE FUND	00	08	08	08	0			
900	GILA COUNTY LIBRARY DISTRICT	00	16	16	16	0			
001	NORTHERN ARIZONA VIT	00	04	04	04	0			
	TOTALS	768	324	1092	1112	-2			

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2005 2ND HALF COUPON

PAY 2ND HALF	PAY	*****
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2nd HALF TAXES DELINQUENT AFTER MAY 1, 2006



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2005 1ST HALF COUPON

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TO PAY FULL YEAR TAX	PAY	10.92

NOTE: 1st HALF TAXES DELINQUENT AFTER NOV 1, 2005

